

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

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2010 JUL 26 P 3: 06

Reginold Darnell Hoover,

Plaintiff,

v.

CCS Correct Care Solutions, Inc.,  
Nurse Monica, C/O F. Anderson  
a/k/a Anderson, and Sgt. Clawson,


Defendants.

Civil Action No. 4:09-1091-SB

**ORDER**


This matter is before the Court upon the Plaintiff's pro se complaint filed pursuant to 42 U.S.C. § 1983. By local rule, the matter was referred to a United States Magistrate Judge for preliminary determinations.

On October 16, 2010, Defendants Clawson and Anderson filed a motion for summary judgment. The Magistrate Judge issued an order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising the Plaintiff of the summary judgment procedure and the possible consequences of failing to respond adequately to the motion. On November 3, 2009, the Plaintiff filed a response to the Defendants' motion.

 Then, on November 16, 2009, Defendant CCS Correct Care Solutions, Inc. ("CCS") and Nurse Monica filed a motion for summary judgment. The Magistrate Judge issued another Roseboro order instructing the Plaintiff to respond to this motion. When the Plaintiff failed to respond, the Magistrate Judge entered an order on June 21, 2010, instructing the Plaintiff to respond to the motion within 10 days. The Plaintiff never filed a response to CCS's and Nurse Monica's motion.

On June 29, 2010, the Magistrate Judge issued a report and recommendation ("R&R") addressing the motion for summary judgment filed by Anderson and Clawson, recommending that the Court grant the motion. Then, on July 7, 2010, the Magistrate Judge issued a second R&R addressing CCS's and Nurse Monica's motion for summary judgment and recommending that the Court dismiss the Plaintiff's complaint as against CCS and Nurse Monica for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Both the first R&R and the second R&R were returned to the Court as undeliverable and marked "not here." Apparently, the Plaintiff has failed to keep the Court updated of any change(s) in his address as he is required to do. Moreover, to date no objections to either R&R have been filed.

Absent timely objection from a dissatisfied party, a district court is not required to review, under a de novo or any other standard, a Magistrate Judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriner's Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, because the Plaintiff did not file any specific, written objections, the Court need not conduct a de novo review of any portion of either R&R. Accordingly, after review the Court hereby adopts the Magistrate Judge's first R&R (Entry 53) and second R&R (Entry 55) as the orders of this Court, and it is

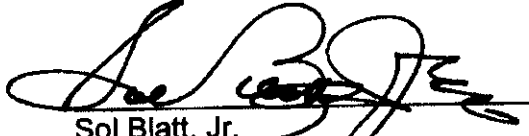
 **ORDERED** that the motion for summary judgment filed by Defendants Clawson and Anderson (Entry 35) is granted, and the Plaintiff's complaint as against Defendants CCS and Nurse Monica is dismissed, without prejudice,<sup>1</sup> for failure to prosecute pursuant to Rule

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<sup>1</sup> The Magistrate Judge recommended a "with prejudice" dismissal; however, in the interest of fairness to the pro se Plaintiff, the Court dismisses his complaint against Defendants CCS and Nurse Monica without prejudice.

41(b) of the Federal Rules of Civil Procedure. The motion for summary judgment filed by CCS and Nurse Monica (Entry 43) is therefore deemed moot, and this matter is ended.

**AND IT IS SO ORDERED.**

  
Sol Blatt, Jr.  
Senior United States District Judge

July 25, 2010  
Charleston, South Carolina

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